

FILED

May 11 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0616

STATE OF MONTANA,

Plaintiff and Appellee,

v.

LINDA KAPSA,

Defendant and Appellant.

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ORDER

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STATE OF MONTANA

Counsel for Defendant and Appellant Linda Kapsa filed a motion and brief asking to be allowed to withdraw from this appeal on grounds that she has been unable to find any nonfrivolous issues to raise on appeal, pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and § 46-8-103(2), MCA. The Court granted Kapsa time to respond personally to her counsel's motion, and Kapsa has filed a response.


The Court has now independently examined the record pursuant to *Anders*. We conclude an appeal in this case would be wholly frivolous.

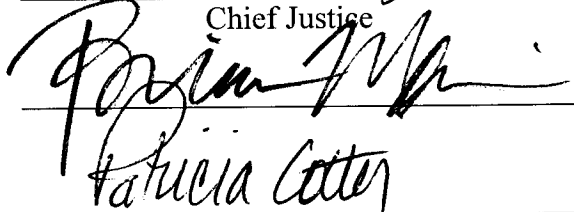
THEREFORE,

IT IS ORDERED that counsel's motion to be allowed to withdraw from this appeal is GRANTED and this appeal is DISMISSED.

The Clerk is directed to provide copies of this order to all counsel of record and to Linda Kapsa personally.

DATED this 11th day of May, 2010.



Chief Justice


Patricia Cotter

Michael W. What

James S.

William S. What

Jim Rice

Justices